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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,934	12/10/2003	Takahiro Ohkuma	8031-1031	6303
466 7590 01/09/2008 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER ENGLAND, DAVID E	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,934

Applicant(s)

OHKUMA, TAKAHIRO

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5 and 8 - 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 8 - 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1, 4, 5 and 8 – 10 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (6754211).

4. Referencing claim 1, as closely interpreted by the Examiner, Brown teaches a broadcast content distribution system, which distributes contents from a broadcasting station to a receiving terminal on the Internet, comprising:

5. a broadcast station operable to distribute, according to a predetermined schedule, broadcast content associated with a VLAN (Virtual Local Area Network) number, (e.g., col. 4, lines 1 – 9 & col. 5, line 51 – col. 6, line 30, time cycles and the IP multicast addresses in the VLAN);

6. one or more Layer 2 switches including one or more output ports associated with a VLAN group, wherein the Layer 2 switches are operable to receive the broadcast

content based on the VLAN number and transmit the broadcast content from at least one of the one or more output ports according to a correlation between the VLAN group and the VLAN number, (e.g., col. 5, line 51 – col. 6, line 30 & col. 9, lines 4 – 35); and

7. one or more receiving terminals including a Layer 2 interface, wherein the receiving terminals are operable to receive, according to the predetermined schedule, the broadcast content from one of the one or more Layer 2 switches by setting the Layer 2 interface to the VLAN number for a predetermined scheduled time period, (e.g., col. 5, line 51 – col. 6, line 30 & col. 9, lines 4 – 35).

8. Referencing claim 4, as closely interpreted by the Examiner, Brown teaches at least one of the said one or more Layer 2 switches includes storage means for storing the received broadcast content associated with the VLAN number, (e.g., col. 9, lines 4 – 35 MFI).

9. The teachings for claims 5 and 8 are found in similar areas as stated in the rejection of claims 1 and 4. Therefore, claims 5 and 8 are rejected for those same reasons.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Ambe (6873602).

12. As per claim 9, as closely interpreted by the Examiner, Brown does not specifically teach the one or more receiving terminals are further operable to download, on-demand, the broadcast content from the storage means of the Later 2 switch. Ambe teaches the one or more receiving terminals are further operable to download, on-demand, the broadcast content from the storage means of the Later 2 switch, (e.g., col. 9, lines 18 - 56, requesting switch table information). It would have been obvious to one of ordinary skill in the art to combine Ambe ability to request information from a storage means with Brown because requesting the table information would allow the requesting device, i.e., Ambe's server, to determine specific relations to other devices on the network, i.e., VLAN membership.

13. The teachings for claim 10 are found in similar areas as stated in the rejection of claim 9. Therefore, claim 9 is rejected for those same reasons.

Response to Arguments

14. Applicant's arguments with respect to claims 1, 4, 5 and 8 – 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

~~SUPPLEMENTAL
NATIONAL FLYNN
ADVISORY PATENT
EXAMINER~~

David E. England
Examiner
Art Unit 2143

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